

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

John Ray Dowdle,)	C/A No. 1:10-1160-JFA-SVH
)	
Plaintiff,)	
vs.)	ORDER
)	
Pt. J.K. Chilton; Pt. W. Crowe; Pt. Manning;)	
Mt. Watts; Cpt. Ms. Blackwell,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, John Ray Dowdle, brings this action pursuant 42 U.S.C. § 1983. Plaintiff is an inmate with the South Carolina Department of Corrections. He alleges that defendant Chilton verbally abused him, and that the other defendants failed to intervene on plaintiff's behalf.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and suggests that the complaint should be dismissed for failure to state a claim. Specifically, the Magistrate Judge opines that verbal abuse of a prisoner is not actionable under § 1983. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 25, 2010. However, the plaintiff

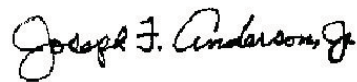
¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

did not file any objections to the Report within the time limits prescribed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

This court also agrees with the Magistrate Judge's recommendation that because the complaint in this case is frivolous, it should be deemed a strike for purposes of the "three strikes" rule of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge

June 17, 2010
Columbia, South Carolina